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Facsimile No.: (571) 273-8300 Date: June 16, 2008
From: Mark L. Watson, Reg. No. 46,322
Our Docket No.: 42390P13516 Number of pages 24 including this sheet.
Application No.: 10/014,904 Filing Date: 12/14/2001
Docket Due Date(s): 6/15/2008

Enclosed are the following documents:

- | | |
|---|---|
| <input type="checkbox"/> Amendment: _____ (____ pgs) | <input type="checkbox"/> Issue Fee Transmittal |
| <input checked="" type="checkbox"/> Appeal Brief (<u>21</u> pgs) | <input type="checkbox"/> Notice of Appeal (in duplicate) |
| <input type="checkbox"/> Application: _____
(____ pgs) w/cover & abstract | <input type="checkbox"/> Petition for: _____ |
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☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

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Complete if Known

Application Number 10/014,904
Filing Date December 14, 2001
First Named Inventor Pete A. Hawkins
Examiner Name Patel, Nimesh G.
Art Unit 2111
Attorney Docket No. 42390P13516

METHOD OF PAYMENT (check all that apply)

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FEE CALCULATION

1. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
18	3*	0	\$0.00
Independent Claims	3	0	\$0.00
Multiple Dependent			

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 50	2202 25	Claims in excess of 20
1201 210	2201 105	Independent claims in excess of 3
1203 370	2203 185	Multiple Dependent claim, if not paid
1204 810	2204 405	**Reissue independent claims over original patent
1205 810	2205 405	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (1) (\$)

0.00

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2. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1051 130	2051 65	Surcharge - late filing fee or oath
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet
2053 130	2053 130	Non-English specification
1251 120	2251 60	Extension for reply within first month
1252 460	2252 230	Extension for reply within second month
1253 1,050	2253 525	Extension for reply within third month
1254 1,640	2254 820	Extension for reply within fourth month
1255 2,230	2255 1,115	Extension for reply within fifth month
1401 510	2401 255	Notice of Appeal
1402 510	2402 255	Filing a brief in support of an appeal
1403 1,030	2403 515	Request for oral hearing
1451 1,510	2451 1,510	Petition to institute a public use proceeding
1460 130	2460 130	Petitions to the Commissioner
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)
1808 180	1808 180	Submission of Information Disclosure Stmt
1809 810	1809 405	Filing a submission after final rejection (37 CFR § 1.129(a))
1810 810	2810 405	For each additional invention to be examined (37 CFR § 1.129(b))

Other fee (specify)

SUBTOTAL (2)

(\$)

Fee Paid

510.00

510.00

SUBMITTED BY

Name (Print/Type) Mark L. Watson

Registration No.
(Attorney/Agent)

46,322

Complete (if applicable)

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Signature

Date

06/16/08

Based on PTO/SB/17 (02-07) as modified by Blakey, Sokoloff, Taylor & Zafman (wtr) 02/28/2007.
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☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$) 510.00

Complete if Known

Application Number 10/014,904
 Filing Date December 14, 2001
 First Named Inventor Pete A. Hawkins
 Examiner Name Patel, Nimesh G.
 Art Unit 2111
 Attorney Docket No. 42390P13516

METHOD OF PAYMENT (check all that apply)

- ☐ Check ☐ Credit card ☐ Money Order ☒ None ☐ Other (please identify): _____
☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP
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☐ Charge fee(s) indicated below, except for the filing fee ☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.
☒ Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.

FEE CALCULATION

1. EXTRA CLAIM FEES

	Extra Claims	Fee from below	Fee Paid
Total Claims	18	3'	0
Independent Claims	3	7'	0
Multiple Dependent			

Large Entity	Small Entity	Fee Description
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1201 210	2201 105	Independent claims in excess of 3
1203 370	2203 185	Multiple Dependent claim, if not paid
1204 810	2204 405	**Reissue independent claims over original patent
1205 810	2205 405	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (1) (\$) 0.00

**or number previously paid, if greater. For Reissues, see below

2. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1051 130	2051 85	Surcharge - late filing fee or oath
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1253 1,050	2253 525	Extension for reply within third month
1254 1,640	2254 820	Extension for reply within fourth month
1255 2,230	2255 1,115	Extension for reply within fifth month
1401 510	2401 255	Notice of Appeal
1402 510	2402 255	Filing a brief in support of an appeal
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1809 810	1809 405	Filing a submission after final rejection (37 CFR § 1.129(a))
1810 810	2810 405	For each additional invention to be examined (37 CFR § 1.129(b))

Other fee (specify):

SUBTOTAL (2)

(\$) 510.00

SUBMITTED BY

Complete (if applicable)

Name (Print/Type) Mark L. Watson Registration No. 46,322 Telephone (303) 740-1980
 Signature Date 06/16/08

Based on PTO/SB/17 (02-07) as modified by Blakely, Sokoloff, Taylor & Zafman (w/r) 02/26/2007.
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**RECEIVED
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Patent**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

Hawkins

Examiner: Patel, Nimesh G.

Application No.: 10/014,904

Art Group: 2111

Filed: December 14, 2001

For: Computer System with Dedicated
System ManagementMail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**APPEAL BRIEF
IN SUPPORT OF APPELLANT'S APPEAL
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant (hereinafter "Appellant") hereby submits this amended Brief in support of its appeal from a final decision by the Examiner, mailed December 27, 2007, in the above-captioned case. Appellant respectfully requests consideration of this appeal by the Board of Patent Appeals and Interferences (hereinafter "Board") for allowance of the above-captioned patent application.

An oral hearing is not desired.

06/17/2008 HHARZI1 00000003 022666 10014904

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Docket No.: 42P13516
Application No.: 10/014,904

1

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I. REAL PARTY IN INTEREST

The invention is assigned to Intel Corporation of 2200 Mission College Boulevard, Santa Clara, California 95052.

II. RELATED APPEALS AND INTERFERENCES

To the best of Appellants' knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision.

III. STATUS OF THE CLAIMS

Claims 1, 4-5, 7-10 and 16-22 are currently pending in the above-referenced application. Claims 2, 3, 6, 11-15 and 23-30 have been withdrawn from prosecution. No claims have been allowed. All pending claims were rejected in the Final Office Action mailed December 27, 2007 and are the subject of this appeal.

All pending claims stand rejected under 35 U.S.C. § 103 and 35 U.S.C. §112, first paragraph.

IV. STATUS OF AMENDMENTS

An Amendment After Final Action under 37 C.F.R. § 1.116 was submitted in response to the Final Office Action mailed on December 27, 2007. In response, the Examiner mailed an Advisory Action on March 26, 2008 maintaining the claim rejections. Appellant subsequently filed a Pre-Brief Conference Request on April 4, 2008.

A copy of all claims on appeal is attached hereto as an Appendix of Claims.

V. SUMMARY OF CLAIMED SUBJECT MATTER

In claim 1, a system is disclosed, including a first set of field replaceable units each being of a first type (See Figure 1 (112-115)), a second set of field replicable units each being of a second type (See Figure 1 (131-133)), a first management bus directly coupled to each of the first set of field replaceable units, wherein the first management bus is coupled only to field replicable units of the first type (See Figure 1 (110)), and a second management bus, directly coupled to each of the second set of field replaceable units, wherein the second management bus is coupled only to field replicable units of the second type (See Figure 1 (130)). The system also includes a central management agent coupled to the first management bus and the second management bus to monitor each of the first and second sets of field replaceable units via the first and second management buses, and to transmit signals to control each of the first and second sets of field replaceable units via the first and second management buses (See Figure 1 (105) and (Specification at page 3, ll. 24 – page 4, ll. 6)), and a communication link coupled to the central management agent to transmit signals received from the central management agent indicating failure of one or more of the first set of field replaceable units and the second set of field replaceable units to a remote location (See Figure 1 (140) and (Specification at page 5, ll. 23 – page 6, ll. 5)).

In claim 16, a system is disclosed. The system includes two or more temperature sensors (See Figure 1 (131-133)), a first management bus directly coupled to each of the two or more temperature sensors, wherein the first management bus is coupled only to temperature sensors (See Figure 1 (130)), two or more fan trays (See Figure 1 (112-115)), a second management bus directly coupled to each of the two or more fan trays,

wherein the second management bus is coupled only to fan trays (See Figure 1 (131-133)). The system also includes a central management agent, coupled to the first management bus and the second management bus, to monitor the temperature sensors and the fan trays via the first and second management buses, and to transmit signals to control activation of one or more of the fan trays based upon signals received from one or more of the temperature sensors via the first and second management buses (See Figure 1 (105 and (Specification at page 3, ll. 24 – page 4, ll. 6)), and having failure detection logic to detect a failure of the temperature sensors, and the fan trays (See Figure 3 (302) and (Specification at page 10, ll. 17- 23)); and a network interface card coupled to the central management agent, to transmit signals received from the central management agent indicating failure of one or more of the temperature sensors, and the fan trays to a remote location (See Figure 3 (308) and Specification at page 3, ll. 24 – page 4, ll. 6)).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 4, 5, 7-10 and 16-22 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

Claims 1, 4, 5 and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Stepp, III (U.S. Patent 6,487,463) (*Stepp*), and what is well known in the art, as evidenced by Umezawa (U.S. Patent No. 4,975,766) (*Umezawa*).

Claims 8-10 and 16-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Stepp* in view of Holland (U.S. Patent No. 5,367,669) (*Holland*).

The remaining rejection relies on one or more of the above-rejections. Thus, only the above-rejections are to be reviewed.

VII. ARGUMENTS**1. THE PENDING CLAIMS 1, 4, 5, 7-10 and 16-22
WERE IMPROPERLY REJECTED UNDER 35 U.S.C.
§ 112, FIRST PARAGRAPH BECAUSE THE CLAIMS
COMPLY WITH THE ENABLEMENT
REQUIREMENT**

Appellant respectfully submits that the 35 USC §112, first paragraph rejection is traversed.

Appellant's specification at page 4, lines 1-3 explicitly states that a central management agent *may monitor and/or control* power supplies, fan trays and temperature sensors. In fact, the Examiner acknowledges this disclosure in the specification. See Final Office Action at page 2, paragraph 2. However, the Examiner asserts that such a disclosure does not specifically state that control signals are transmitted to temperature sensors and it is unclear which components are controlled and which are monitored. Id. The Examiner further asserts that the statement can also mean that the devices are "monitored or controlled." See Final Office Action at Page 8, paragraph 23.

Appellant acknowledges the accuracy of the Examiner's assertion, and further submits that a plain English construction of the components *monitor and/or control* indicates that any of the component types may alternatively be "monitored and controlled" or "monitored or controlled." Thus, since the statement may be interpreted as either "monitored and controlled" or "monitored or controlled" the disclosure of components being "monitored and controlled" is explicitly disclosed. As a result, the claims are in compliance with 35 USC §112, first paragraph.

2. THE PENDING CLAIMS 1, 4, 5 AND 7 WERE IMPROPERLY REJECTED UNDER 35 U.S.C. § 103(A) BECAUSE THE COMBINATION OF STEPP AND UMEZAWA DOES NOT DISCLOSE OR SUGGEST EACH AND EVERY FEATURE OF THE PENDING CLAIMS

Appellant respectfully submits that the combination of *Stepp* and *Umezawa* fails to disclose or suggest the claimed invention for the reasons set forth below. As the Honorable Board is well aware, in order to establish a *prima facie* case of obviousness:

the Office personnel must articulate the following:

- (1) a finding that the prior art included *each element claimed*, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference;
- (2) a finding that one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element merely performs the same function as it does separately;
- (3) a finding that one of ordinary skill in the art would have recognized that the results of the combination were predictable; and
- (4) whatever additional findings based on the *Graham* factual inquiries may be necessary, in view of the facts of the case under consideration, to explain a conclusion of obviousness. (emphasis added)

Manual of Patent Examining Procedure (MPEP), 8th Edition, Revision 6, September 2007, §2143 (A).

- (A) Claims 1, 4, 5 and 7 were improperly rejected because the combination of *Stepp* and *Umezawa* does not disclose or suggest a central management agent to transmit signals to control each of first and second sets of field replaceable units via first and second management buses.

The claims of the present application each recite an element that is not disclosed in either *Stepp* or *Umezawa*. For example, Appellant's independent claim 1 recites the following:

A system comprising:

- a first set of field replaceable units each being of a first type;
- a second set of field replicable units each being of a second type;
- a first management bus, directly coupled to each of the first set of field replaceable units, wherein the first management bus is coupled only to field replicable units of the first type;
- a second management bus, directly coupled to each of the second set of field replaceable units, wherein the second management bus is coupled only to field replicable units of the second type;
- a central management agent, coupled to the first management bus and the second management bus, to monitor each of the first and second sets of field replaceable units via the first and second management buses, and to transmit signals to control each of the first and second sets of field replaceable units via the first and second management buses; and
- a communication link, coupled to the central management agent, to transmit signals received from the central management agent indicating failure of one or more of the first set of field replaceable units, and the second set of field replaceable units to a remote location.

Stepp discloses a system for actively cooling an electronic device. See *Stepp* at Abstract. *Stepp* further discloses a controller 320 that is coupled to temperature sensors 314 and cooling fans 316. The controller 320 monitors the temperature of components 302-312 through the temperature sensors 314. See *Stepp* at col. 6, ll. 14-19 and Figure 3. The controller 320 is coupled to cooling fans 316 via FAN C and FAN M connections. The FAN C connections are used to control the rotational speed of each cooling fan 316. See *Stepp* at col. 6, ll. 22-24. The FAN M connections are used to monitor each cooling fan 316 to detect failure of a cooling fan. See *Stepp* at col. 6, ll. 56-58.

Umezawa discloses a structure for detecting a temperature of a package which includes a circuit board having mounted thereon a plurality of integrated circuit chips,

each of which is accommodated in a chip carrier, a cooling plate facing the integrated circuit chips for performing a heat exchanger with a coolant, a temperature sensing block including a case which is mounted on the circuit board and has substantially the same height as the chip carriers with at least one temperature sensor accommodated in the case, and a heat-conducting medium filling small clearances defined between the cold plate and the integrated circuit chips and the temperature sensing block. See *Umezawa* at Abstract.

Appellant submits that neither *Stepp* nor *Umezawa* disclose or suggest a central management agent transmitting signals to control both the temperature sensors and the fans. Particularly, neither reference discloses or suggests transmitting control signals to the temperature sensors. In fact, the Examiner acknowledges that *Stepp* does not disclose such a feature. See Final Office Action at page 3, paragraph 5. However, the Examiner maintains that *Umezawa* discloses the feature. *Id.*

Umezawa discloses an external circuit for controlling temperature sensors such that when one temperature sensor senses a temperature indicative of a malfunction the external circuit activates another temperature sensor. See *Umezawa* at claim 3. Nonetheless, there is no disclosure in *Umezawa* of *transmitting control signals to the temperature sensors*. Because both *Stepp* and *Umezawa* fail to disclose or suggest transmitting control signals to temperature sensors, any combination of *Stepp* and *Umezawa* would also fail to disclose or suggest transmitting control signals to temperature sensors.

Since *Umezawa* and *Stepp* both fail to disclose or suggest transmitting control signals to temperature sensors, any combination of *Umezawa* and *Stepp* would also fail to disclose or suggest such a feature.

For the foregoing reasons, the claims are patentable over *Stepp* in view of *Umezawa*.

Claims 4, 5 and 7 depend from claim 1. Given that dependent claims necessarily include the limitations of the claims from which they depend, Appellant submits that the invention as claimed in claims 4, 5 and 7 are similarly patentable over a combination of *Stepp* and *Umezawa*.

For the forgoing reasons, Appellant submits that the Examiner has failed to search and find a printed publication or patent that discloses the claimed invention as set forth in MPEP § 706.02(a).

Thus, the Examiner erred in rejecting claims 11, 4, 5 and 7 under 35 U.S.C. §103(a).

3. THE PENDING CLAIMS 8-10 AND 16-21 WERE IMPROPERLY REJECTED UNDER 35 U.S.C. § 103(A) BECAUSE THE COMBINATION OF *STEPP* AND *HOLLAND* DOES NOT DISCLOSE OR SUGGEST EACH AND EVERY FEATURE OF THE PENDING CLAIMS

Appellant respectfully submits that claims 8-10 depend from claim 1, and are thus patentable for the reasons discussed above with regard to claim 1. Particularly, since claim 1 has not been rejected in view of *Stepp* and *Holland*, claims 8-10 cannot be rejected in view of that combination of references as claims 8-10 necessarily include the limitations of claim 1.

Moreover, Appellant submits that the combination of *Stepp* and *Holland* fails to disclose or suggest the claimed invention for the reasons set forth below.

(A) Claims 1, 4, 5 and 7 were improperly rejected because the combination of *Stepp* and *Holland* does not disclose or suggest a central management agent having such failure detection logic.

The claims of the present application each recite an element that is not disclosed in either *Stepp* or *Holland*. For example, Appellant's independent claim 16 recites the following:

A system comprising:
two or more temperature sensors;
a first management bus directly coupled to each of the two or more temperature sensors, wherein the first management bus is coupled only to temperature sensors;
two or more fan trays;
a second management bus directly coupled to each of the two or more fan trays, wherein the second management bus is coupled only to fan trays;
a central management agent, coupled to the first management bus and the second management bus, to

monitor the temperature sensors and the fan trays via the first and second management buses, and to transmit signals to control activation of one or more of the fan trays based upon signals received from one or more of the temperature sensors via the first and second management buses, and having failure detection logic to detect a failure of the temperature sensors, and the fan trays; and

a network interface card coupled to the central management agent, to transmit signals received from the central management agent indicating failure of one or more of the temperature sensors, and the fan trays to a remote location.

Holland discloses a fault tolerant disk array control system. See *Holland* at Abstract.

Appellant submits that neither *Stepp* nor *Holland* disclose or suggest a central management agent having failure detection logic. *Holland* discloses a Watchdog Timer that detects faulty functioning of a microprocessor. See *Holland* at col. 6, ll. 58-62. Appellant submits that a watchdog timer at a microprocessor is not equivalent to a central management agent having failure detection logic to detect a failure of temperature sensors, and a fan tray.

Because *Umezawa* and *Holland* both fail to disclose or suggest a central management agent having failure detection logic, any combination of *Umezawa* and *Holland* would also fail to disclose or suggest such a feature.

For the foregoing reasons, the claims are patentable over *Stepp* in view of *Holland*.

Claims 17-21 depend from claim16. Given that dependent claims necessarily include the limitations of the claims from which they depend, Appellant submits that the

invention as claimed in claims 17-21 are similarly patentable over a combination of *Stepp* and *Holland*.

For the forgoing reasons, Appellant submits that the Examiner has failed to search and find a printed publication or patent that discloses the claimed invention as set forth in MPEP § 706.02(a).

Thus, the Examiner erred in rejecting claims 8-10 and 16-21 under 35 U.S.C. §103(a).

VIII. CONCLUSION


Appellant respectfully submits that all appealed claims in this application are patentable and were improperly rejected by the Examiner during prosecution before the United States Patent and Trademark Office. Appellant respectfully requests that the Board of Patent Appeals and Interferences overrule the Examiner and direct allowance of the rejected claims.

This Brief is submitted with a check for \$510.00 to cover the appeal fee for one other than a small entity as specified in 37 C.F.R. § 1.17(c). Please charge any shortages and credit any overpayments to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: June 16, 2008



Mark L. Watson
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IX. APPENDIX OF CLAIMS (37 C.F.R. § 1.192(c)(9))**1. A system comprising:**

a first set of field replaceable units each being of a first type;

a second set of field replicable units each being of a second type;

a first management bus, directly coupled to each of the first set of field replaceable units, wherein the first management bus is coupled only to field replicable units of the first type;

a second management bus, directly coupled to each of the second set of field replaceable units, wherein the second management bus is coupled only to field replicable units of the second type;

a central management agent, coupled to the first management bus and the second management bus, to monitor each of the first and second sets of field replaceable units via the first and second management buses, and to transmit signals to control each of the first and second sets of field replaceable units via the first and second management buses; and

a communication link, coupled to the central management agent, to transmit signals received from the central management agent indicating failure of one or more of the first set of field replaceable units, and the second set of field replaceable units to a remote location.

4. The system of claim 1, wherein the first and second management buses are Inter-IC buses.

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Application No.: 10/014,904

i .

5. The system of claim 1, wherein the system further comprises a second central management agent coupled to the first management bus.
7. The system of claim 1, wherein the central management agent is a processor.
8. The system of claim 1, wherein the first set of field replaceable units are temperature sensors and the second set of field replaceable units are power supplies.
9. The system of claim 1, further comprising:
a third management bus, coupled to the central management agent, to couple only to field replaceable units of a third type; and
a third set of field replaceable units each being of the third type.
10. The system of claim 9, wherein the third set of field replaceable units are fan trays.
16. A system comprising:
two or more temperature sensors;
a first management bus directly coupled to each of the two or more temperature sensors, wherein the first management bus is coupled only to temperature sensors;
two or more fan trays;

a second management bus directly coupled to each of the two or more fan trays, wherein the second management bus is coupled only to fan trays;

a central management agent, coupled to the first management bus and the second management bus, to monitor the temperature sensors and the fan trays via the first and second management buses, and to transmit signals to control activation of one or more of the fan trays based upon signals received from one or more of the temperature sensors via the first and second management buses, and having failure detection logic to detect a failure of the temperature sensors, and the fan trays; and

a network interface card coupled to the central management agent, to transmit signals received from the central management agent indicating failure of one or more of the temperature sensors, and the fan trays to a remote location.

17. The system of claim 16, wherein the system further comprises a central processing unit coupled to the central management agent.

18. The system of claim 17, wherein the central management agent is an abstracting agent.

19. The system of claim 16 further comprising one or more power supplies; and

a third management bus coupled to the one or more power supplies and the central management agent, wherein the third management bus is coupled only to power supplies.

20. The system of claim 19, wherein the central management agent performs analysis on detected failures prior to transmission of the failures to the network interface card.

21. The system of claim 17 further comprises a second central management agent coupled to the first management bus, to the second management bus, and to the central management agent.

22. The system of claim 16 further comprises a redundant first management bus coupled to the central management agent and coupled to each of the one or more temperature sensors, wherein the first management bus is not coupled to any other components.

X. EVIDENCE APPENDIX

None

XI. RELATED PROCEEDING APPENDIX

None